



South
Derbyshire
District Council

Standby and Callout Procedure

Human Resources
February 2021

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Version Control

Version	Description of version	Effective Date
1.0	First draft and subsequent review	June 2020
1.1	Update following consultation	August 2020

Approvals

Approved by	Date
Joint Negotiating Group	14/01/2021
Finance & Management Committee	11/02/2021

Associated Documentation

Description of Documentation

1. Introduction

- 1.1 The Council delivers a range of statutory and non-statutory services that require responses to be given outside of normal office hours and to emergency situations. It is important that a consistent approach is followed, so managers and employees are aware of the arrangements in place as well as the payments and other entitlements of employees who provide these services.

2.0 Scope

- 2.1 This procedure will cover all employees except for those on Chief Executive/Chief Officer terms and conditions of employment.
- 2.2 They will apply to the periods when any employee, either as part of their contract of employment or at the Council's request are on standby and available to attend work outside of normal office hours or their normal contractual hours of work.
- 2.3 The Council will identify those services that require standby arrangements to be in place and will review these arrangements at least every two years to ensure that they remain suitable and appropriate. Should the Council wish to change any of the arrangements then formal consultation will be undertaken with the Trade Unions and employees.

3.0 Definitions - Standby

- 3.1 A standby period will cover hours outside the Council's opening hours and/or outside an employee's contractual work pattern.
- 3.2 An employee on standby is required to be contactable and can attend work to carry out duties throughout the duration of the standby period.
- 3.3 A standby payment will be made for the duration of the period that the employee is required to be available to be called or called out. Should the employee be unable to complete the full period then a pro rata standby payment will be made for the hours completed in that period only.

Standby can be categorised as follows:

Contractual Standby

- 3.4 This is to provide cover outside of normal working hours. It will only operate where there is a consistent and sustained requirement to provide support /care for identified members of the community (those in sheltered accommodation, presenting themselves as homeless, responding to alarms, site security etc.) or provide services to deal with emergency situations.
- 3.5 Employees working in these service areas will have a contractual requirement to work on a standby rota in accordance with local arrangements in place.
- 3.6 To enable employees to make the necessary personal arrangements and to ensure there is adequate resources to provide services, a rota will be prepared as far in advance as possible. This will be shared with all employees providing this service and take account of any absences of staff and vacant posts.

- 3.7 Employees on the standby rota will be provided with a works mobile phone, access to a lone worker device and any tools, Personal Protective Equipment (PPE) or vehicle to undertake duties should they be called upon.
- 3.8 It is also important that when attending building alarm calls, employees have been provided with the correct information to access buildings, reset alarms etc. and these are kept up to date.
- 3.9 Employees on standby will be required to ensure that they are available and able to carry out the duties required and where appropriate, receive additional training or guidance to undertake such work. Being on standby will impact on an employee's social arrangements and they should not undertake any activities or be without access to a charged and working mobile phone or transport that restricts their ability to respond quickly and effectively.
- 3.10 The needs of the service will determine the requirement for a regular standby system and as such the need may cease from time to time. Payments made to employees being on standby should not be seen as guaranteed earnings and could be subject to change or removal.

Emergency Standby (Non contractual)

- 3.11 This covers situations where employees may be asked to be available to work outside of normal office hours or their contracted hours at very short notice – for example to deal with inclement weather conditions, fires, environmental issues etc.
- 3.12 This will not be a contractual requirement and payments and other entitlements will only be made for the period where the employees have agreed to go on emergency standby.
- 3.13 Payments will be linked to contractual standby payments and to recognise the ad-hoc nature of such requirements payment will be at twice the rate during the week (Monday – Friday) with the same rate for weekends and public holidays as more notice can be given. For the period Christmas Day – New Years' Day inclusive the higher rate will be paid for all days on emergency standby.

Standby approvals

- 3.14 Those on regular contractual standby will be determined at a local level, outlined at the point of recruitment for new employees and included in terms and conditions of employment.
- 3.15 Arrangements for those on emergency standby will be approved by a Head of Service, in consultation with a member of leadership team wherever possible.

Bank holidays

- 3.16 Employees who are required to cover a Bank Holiday will be granted lieu time to recognise that they will have to limit their activities on this day. If they work half their contracted hours on standby, they will get a half day in lieu and in they work more than half their contractual hours they will receive a full day in lieu.

Night worker

- 3.17 A night worker is defined as a worker who regularly works at least three hours of their daily working time during night time, or who is likely, during night time, to work at least such proportion of their annual working time as is specified in a collective or workforce agreement. Nighttime, in relation to a worker, means a period of not less than 7 hours and includes working between the hours of midnight and 5.00 am.
- 3.18 There are considerations that must be made for employees that are defined as night workers. It is not expected that any employee on standby or callout could be classed as a night worker and should this change, local arrangements will be put in place, following consultation with employees and the Trades Unions.

Standby payments

- 3.19 A standard rate will be paid to all employees who undertake regular or emergency standby duties. In the case of emergency standby, the full rate will be paid unless the arrangements are formally stood down in which case a minimum of half the normal rate will be paid.
- 3.20 The standby rate is shown in appendix A and will rise each year in line with the national pay award for NJC for Local Government Employees (Green Book).
- 3.21 The payment will be made in accordance with the rota that is used locally and incorporated into monthly pay. This payment will include the requirement to respond to phone calls and having related discussions about an incident or request.
- 3.22 Payments made for being on regular standby will be taken into account for the purposes of calculation of holiday pay and are pensionable.
- 3.23 Payments made under this procedure will be taken into account for the purposes of occupational sick pay when an employee is absent from work due to ill health. The payments will continue in line with the expected number of periods when the employee would, in line with their contract of employment, be on standby.
- 3.24 If, following a return to work, the employee is not able to undertake standby duties due to health or other reasons, then the standby payment will be stopped. A variation to the employees terms and conditions will be issued. If consideration is then required due to fewer number of employees able to provide a standby service, then advice from Human Resources should be sought on any further action that may be required.
- 3.25 The Council, subject to consultation being completed, can remove, alter, or change the standby service that is provided. A contractual period of notice would then be issued to employees to vary their terms and conditions of employment. The Council's Protection of Earnings Policy would not apply.
- 3.26 All employees on standby will be expected to perform all their duties in a competent and professional manner and remain subject to the Council's employment policies and procedures.

4.0 Definition - Callout

4.1 Callout is where an employee is called out to undertake work while on standby and involves physically attending an incident or place of work.

Callout payment

- 4.2 A callout payment will be paid to an employee who has to attend an incident, place of work or other buildings to undertake some activity. This can range from advising persons on site, resetting alarms, or making safe a property or location.
- 4.3 The callout payment will not be capped and paid to all employees (except those on Chief Executive or Chief Officers' conditions of employment). Call out payments will be paid in line with the employee's existing hourly rate in their substantive post.
- 4.4 A minimum of two hours will be paid for any callout regardless if the work takes less than two hours to complete. Multiple callouts within a two-hour period will only receive one two-hour payment. If the work takes longer than two hours, then the additional time will be paid at plain time with any hours worked rounded up to the nearest half hour.
- 4.5 The time spent on the callout shall include travel to and return from site.
- 4.6 An employee can request that instead of overtime pay, they are given time off in lieu (TOIL). This will be on a like for like basis – i.e. a minimum of two hours for each callout and any additional hours will be given as TOIL at plain time rounded up to the nearest half hour.

Mileage Claims

4.7 If mileage is incurred in travelling to site following a call out and the employee uses their own transport, then it can be included in a subsequent mileage claim. This would include the mileage to return home unless the callout requires the employee to then commence work in line with their normal contracted hours. In this situation, only the mileage to site can be claimed unless their subsequent journey to their normal work location is longer than travelling from their home where the difference can be claimed.

Claiming standby and callout payment

- 4.8 Payment for standby and callout will be made one month in arrear in the employee's salary.
- 4.9 All payments will be subject to Tax and NI deductions. Pension contributions will be made if the employee is a current member of the Local Government Pension Scheme.
- 4.10 A claim form should be completed, authorised by the line manager and submitted to payroll ahead of the payroll deadline to ensure that payment is made, and this includes those on contractual and non-contractual standby.
- 4.11 Accurate records of all time spent on standby and callout is important to ensure that not only correct payments are made but also that the health and wellbeing of the employee is appropriately monitored.

4.12 Any false or inaccurate claims will be rejected and subject to further investigation may result in formal action being taken against the employee.

5.0 Responsibilities of Officers

Leadership Team

5.1 All strategic decisions and the allocation of resources are determined by the Leadership Team. They provide guidance and direction in the application and monitoring of this procedure.

Heads of Service

5.2 Heads of Service are responsible for ensuring that all employees within their areas are compliant with this procedure and arrangements are put in place and monitored to reduce the risk to any that are required to undertake regular periods on standby.

Managers

5.3 The manager will ensure that regular standby rotas are completed in advance and are staffed by employees with the appropriate skills and knowledge to undertake any tasks that may be undertaken whilst on standby.

5.4 The manager must ensure that:

- Standby rotas are prepared as far in advance as possible
- Contact details are up to date, reviewed and made available to points of contact
- Risk assessments for the duties being undertaken are up to date, reviewed and shared with all employees on the standby rota
- Approval for emergency standby arrangements are obtained from their Head of Service/Strategic Director in advance where possible
- Any hours worked by an employee on standby are in accordance with the Working Time Regulations and/or compensatory periods of rest are provided when employees have to attend on site
- Appropriate working instructions are provided in order to minimise the number of callouts required
- Strictly monitor any claims for standby and call out
- Managers should ensure that the relevant equipment and tools are available for collection in the event of a call out.
- PPE is provided, where appropriate, and will be regularly checked and maintained in line with any maintenance schedules
- Where appropriate equipment is disinfected/cleaned after a callout
- Safeguarding procedures are followed and reported at the earliest opportunity
- Incidents / injuries to staff are reported and investigated appropriately
- That the requirements of the Council's Lone Worker Procedure and Potentially Violent Persons Policy are observed.

Employees

5.5 Employees are on standby on the basis that they will be expected to deal with incidents that may arise and are within the scope of their job role and/or competency.

- 5.6 Employees on standby must not consume alcohol, drugs or take unprescribed medication which will impact on their ability to respond to requests for support. This is not restricted to being able to attend on site.
- 5.7 An employee is expected that they will be able to arrive on site or at work within a reasonable time of being called out. This time will be set according to the needs of each service.
- 5.8 An employee must always be contactable when on standby and be able to access suitable transport to attend on site or work within the prescribed time limits of their service area.
- 5.9 Contact must be made immediately with the appropriate manager or other point of contact should the employee become ill or unable to remain on standby. The manager must then make alternative arrangements to ensure that the standby service can continue.
- 5.10 The employee must inform their line manager should they have any health condition that prevent them from undertaking standby duties on a temporary or permanent basis. Not being able to participate on a standby scheme will not directly have an impact on their substantive post, although this will be assessed on a case by case basis.
- 5.11 Personal arrangements should not ordinarily be made if this prevents the employee from undertaking their contracted standby cover. However, it is accepted that there may be circumstances arise that cannot be changed and in this situation the employee should notify their manager immediately. The manager should then make any changes to the rota system and ensure that the appropriate adjustment is made to the employees' standby payment.
- 5.12 Employees should ensure that they follow any local arrangements in relation to being on standby and observing any requirements in the risk assessment should they be required to attend on site. This includes using the lone worker device if appropriate and wearing any PPE provided etc.
- 5.13 Employees must comply with the requirements of the Council's Lone Worker Procedure and Potentially Violent Persons Policy.

6.0 Working Time Regulations (WTR)

- 6.1 The Working Time Regulations currently provide for an employee to have an uninterrupted daily break of 11 hours between periods of work. Standby time is not 'working time' and only time responding to a call either verbally or physically attending on site would count as working time. Exceptions can be made for emergencies that may occur and emergency callouts would fall into this category provided that the rest period could be taken later such as a weekend.
- 6.2 It is important that managers monitor, record, and regularly review;
- The frequency and length of callouts
 - The number of employees on standby rotas and the potential impact on services
 - The number of hours being worked by employees who then have to be on a standby rota to ensure that there is no detriment to their health and wellbeing

- The standby service being used to ensure it is the most cost effective and efficient way to provide services out of hours.
- 6.3 Managers should also ensure that appropriate records of working time are maintained in their own service area to monitor the number of hours worked and any that are due to employees being called out when on standby. Recent case law has established that such records should also demonstrate that the employee has had rest periods to comply with the requirements of the WTR. Further advice can be obtained from Human Resources.
- 6.4 Employees on shift patterns should not normally be placed on formal standby rotas on their assigned rest days. If an employee is then required to attend an emergency callout the capability of the employee to attend for work on the following day must be assessed and documented.
- 6.5 Where an employee is not able to take any or only part of their entitlement to an uninterrupted period of rest as provided by the WTR a period of compensatory uninterrupted period of rest will be provided. This must be taken within one month of the actual work being completed and will be the same length as the period not taken by the employee. Managers should ensure that accurate records are maintained of any periods of compensatory rest and the reason why it has been given.
- 6.6 In addition to the working time directive, drivers of vehicles over 3.5 Tonne must abide by the UK Domestic Hours Rules and the Drivers' Hours (Goods Vehicles)(Keeping of Records) Regulations 1987.

7.0 Risk Assessments

- 7.1 Risk assessments will be in place for any activities undertaken by employees on standby. However, it is recognised that some emergency situations may be unprecedented. On these occasions, the employee on standby should seek advice and support from a manager before attending on site and if the incident escalates whilst on site, then support should be summoned from the emergency services, if they are not already on site. At no time should an employee put themselves in a situation where there is a real and likely risk to their personal health and safety.
- 7.2 Employees should be aware of any potential risks and hazards that could arise while dealing with a callout. Several examples are contained in the Council's Lone Worker Procedure and particular care must be taken when travelling in inclement weather, any risk of building collapse due to structural damage and persons on or around the site who may present a risk due to their actions, emotional state or objects they may be carrying or have access to.

8.0 Lone Working and PPE

- 8.1 Being on standby will invariably mean that employees will attend work on their own and without any direct support from colleagues or their manager. It is most important that whilst responding quickly to requests for support that time is taken before departing to make sure that any PPE is available, in good order and working. It is recommended that at the end of every standby period, time is taken to review any equipment provided and report any worn or failing items to a manager immediately. In particular the work mobile phone and lone worker device should be fully charged.

8.2 The local arrangements in place for lone working must also be observed that includes maintaining contact with a specified point of contact. As a minimum this requires alerting the point of contact that attendance on site is required, the location, persons or property being seen and the expected duration for the callout. At the end of the callout, or the work takes longer than originally estimated, the point of contact must be advised of any revised arrangements that includes the expected duration of the callout. Any changes to the stated arrangements must be confirmed before the original time/duration has expired wherever possible.

9.0 Review of procedure

9.1 The procedure may be reviewed at any time in consultation with the recognised Trade Unions. As a minimum it will be reviewed every three years.

9.2 Human Resources are authorised to make minor amendments to the procedure that arise through organisational or service led change programmes such as job title changes.

Standby and Callout Payments

Effective 1st February 2021

Standby (Contractual)

Monday – Friday	Saturday/Sunday and public holidays	Full weekly payment
£9.81* per day	£32.85**per day	£114.75

Standby (Emergency)

Monday – Friday	Saturday/Sunday/public holidays and Christmas Period
£19.62* per day	£32.85** per day

*The rate is attached to scale point 4 on the NJC pay scales (1st April 2020) and will be increased in line with any national pay award agreed from 1st April each year

**This is the current rate used and will be increased by the NJC national pay award.

Callout payments

Monday – Friday	Two hours pay at time and half at the employees' current hourly rate. If longer than two hours for one call, then all hours paid at overtime rate.
Saturday/Sunday and public holidays	Two hours pay at double time at the employees' current hourly rate. If longer that two hours for one call, then all hours paid at double time.

If multiple calls are completed within the first two hours than only two hours will be paid. Should attendance then be required outside of the two hours from the start of the first call then another two hours at the rates given above will be paid as a minimum.

If a callout continues over a period where two different rates are payable, then all hours should be claimed at the higher rate.